

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NCR CORPORATION,

Plaintiff,

v.

Case No. 08-C-895

LAFARGE NORTH AMERICA, INC., et al.,

Defendant.

ORDER CONSOLIDATING CASE WITH 08-C-16

Plaintiff NCR Corporation filed this lawsuit against Lafarge North America, Inc. and three other defendants. It then filed a motion to consolidate this action with Case No. 08-C-16, a large multi-party lawsuit involving the same essential question: who should be responsible for the costs of cleaning PCBs out of the Fox River. Defendant Lafarge objects to consolidation, noting that it is not a paper company and, as far as it knows, it never released any PCBs into the river. It is, in short, mystified as to how it could possibly be liable for such a release. As such, it believes it would be hamstrung if the cases were consolidated because it would be lumped in with all of the other defendants and bound by the case management order governing that case.

Although Lafarge's argument is a reasonable one, it is an argument that could be made by a number of other defendants in the main action whose liability is also questionable. The fact remains that this action will involve overlapping and common questions of law and fact, and under Fed. R. Civ. P. 42(a), that is a basis for consolidation.

Accordingly, the motion to consolidate is **GRANTED**.

SO ORDERED this 7th day of January, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge